IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7217 of 2005

Between:

Mahanth Balbhadrasdas, S/o. Late Sri Ganesh Das Chela of
Seetaramachandradas S/o. Ramchandrajee Muth, Shamshabad,

Hyderabad, R.R.District.

..... PETITIONER

AND

1 The Regional Joint Commissioner, Endowments, Hyderabad.
2 Deputy Commissioner of Endowments, R.R.district, Hyderabad.
3 The Assistant Commissioner of Endowments, R.R.District, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order, direction or writ more in the nature of a mandamus by declaring the proceedings of the 3rd respondent date
3-3-2005 bearing No.C/633/2005 proposing to appoint trust board to the temple as being contrary to the provisions of law, without jurisdiction and ultra vires and consequently order for stay of all further proceedings being initiated by the respondent No.3 in pursuance of the proceedings No. C/633/05 dt. 3.3.2005, in the interest of justice, and pass such other and further orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.P.VENUGOPAL

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

Challenging the notification dated 3-3-2005, issued by the third respondent, proposing to constitute a Trust Board, the petitioner filed an O.A. before the second respondent. However, pending appeal before the second respondent, petitioner also filed R.P. before the first respondent with a limited prayer to grant interim stay of the impugned proceedings, pending O.A before the second respondent or to direct the second respondent to dispose of the appeal after granting interim orders, but the first respondent has not considered the same. Hence the present writ petition.

Having regard to the facts and circumstances of the case, and since I feel that it would only lead to proliferation of the litigation, it is expedient to close the writ petition with a direction to the second respondent to pass final orders in the appeal preferred by the petitioner as expeditiously as possible and pending disposal of the appeal, there must be interim stay of all further proceedings pursuant to the notification issued by the third respondent.

With the above direction, the writ petition is disposed of at the stage of

admission. No costs.

Kvsn 04-04-2005

To

1 The Regional Joint Commissioner, Endowments, Hyderabad.

2 Deputy Commissioner of Endowments, R.R.district, Hyderabad.

3 The Assistant Commissioner of Endowments, R.R.District, Hyderabad.

4 Two CCs to GP for Endowments, High Court buildings, Hyderabad.

5 Two CD copies.